IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13892 of 2004

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Between:

R.Ram Mohan Reddy, S/o.R.Sanjeva Reddy,
Kamalapuram Village, Dhone Mandal, Kurnool Dist.

..... PETITIONER

AND

-

1 The Joint Collector, Kurnool Dist.
2 The Revenu Divisional officer, Kurnool Dist.
3 The Mandal Revenue officer, Dhone Mandal, Kurnool

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd Respondent bearing Rc.B.779/2004 dated 26-07-2004, as illegal, void and ultravires of the provisions of A.P. Schedule Commodities (Regulation of Distribution by card System) order, 1973 and consequently direct the Respondents herein to restore the authorization of the fair price shop of the petitioner situated in Kamalapuram village, Dhone Mandal, Kurnool District.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage made the following

ORDER:

Heard both sides.

The petitioner is the authorized dealer of the fair price shop of Kamalapuram village, Dhone Mandal, Kurnool District. This writ petition is filed aggrieved by the order of the second respondent-Revenue Divisional Officer, Guntur, dated 26-07-2004 whereunder the authorization of the petitioner has been suspended pending enquiry into the alleged irregularities.

The learned counsel for the petitioner states that all the allegations are false and baseless. He also states that the petitioner has already filed an appeal before the first respondent, the Joint Collector against the impugned order along with an application for stay and the same is pending before the first respondent.

Since the statutory appeal is pending, I am not inclined to express any opinion on merits of the case, but having regard to the facts and circumstances of the case, I am of the view that it would be appropriate to permit the petitioner to distribute the essential commodities till the disposal of the statutory appeal.

Accordingly, the Writ Petition is disposed of with a direction to the first respondent Joint Collector to consider the appeal preferred by the petitioner against the order of suspension dated 26-07-2004 and to dispose of the same in

accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, the impugned order of suspension dated 26-7-2004 shall not be given effect to. No costs.

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G. ROHINI, J.

6th August, 2004.

Note: Operative portion

by wire.

B/o

Js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Joint Collector, Kurnool Dist.
2 The Revenu Divisional officer, Kurnool Dist.
3 The Mandal Revenue officer, Dhone Mandal, Kurnool

District.

4 Two CCs to G.P. for Cooperation, High Court Buildings,

Hyderabad.

5 2 CD copies.